

*DRAFT*

MINUTES OF THE CITY COUNCIL  
OF THE CITY OF GREENSBORO, N.C.

REGULAR MEETING:

20 APRIL 1999

The City Council of the City of Greensboro met in regular session at 6:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Carolyn S. Allen, presiding; Councilmembers Claudette Burroughs-White, Sandra G. Carmany, Keith A. Holliday, Yvonne J. Johnson, Earl F. Jones, Nancy Mincello, Robert V. Perkins, and Donald R. Vaughan. Absent: None. Also present were J. Edward Kitchen, City Manager; Linda A. Miles, City Attorney; and Susan E. Crotts, Deputy City Clerk.

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The meeting was opened with a moment of silence and the Pledge of Allegiance to the Flag.

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The Manager recognized Tonya Brown, employee in the Environmental Services Department, who served as the courier for the meeting.

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The Mayor explained the Council procedure for conduct of the meeting. She mentioned that since she had been unable to have related discussion with Council prior to this meeting, speakers from the Living Wage group attending the meeting might address Council as speakers from the floor.

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Councilmember Vaughan moved to excuse Councilmember Earl Jones from the meeting. Councilmember Carmany seconded the motion; the motion was unanimously adopted by voice vote of Council.

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William Harrell, Assistant City Manager introduced the City's new *WaterWise* Water Conservation and Education Program. Mr. Harrell announced the kick off at Jesse Wharton Elementary School on Earth Day, April 22, 1999; presented an outline of the campaign; mentioned key features and programs; and noted the names and roles of participants partnering in the program and recognized other staff from the City and community. Mr. Harrell thanked the City Council, City employees, citizens, businesses and other governmental agencies for their outstanding support and cooperative efforts.

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Council member Jones entered the meeting at 6:07p.m.

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Brenda Morris, a Family and Consumer Education Agent of the North Carolina State Cooperative Extension Service, and Karen Neil, Urban Horticultural Agent of the same organization; described objectives and materials for a new middle school water conservation curriculum; availability of training and support for teachers in this subject; and a \$100,000 related grant Guilford County had received from the US Department of Agriculture. Ms. Neil noted future educational efforts would target landscape water conservation practices.

Nancy Lindemeyer, Public Information Officer, presented educational materials and information relative to the *WaterWise* program.

Garret Tomlinson, Science I Curriculum Specialist for Guilford County, praised the program's value in terms of fulfilling curriculum development goals for students and facilitating water conservation in the community.

Denny Kelly of Bouvier and Kelly, briefed the Council on various aspects of *WaterWise* and referred to concepts, strategies and goals addressed with collaboration, education and public relations. Many diverse groups were recognized for their roles in the program.

Meryl Mullane, of Mullane and Associates and partnering with Bouvier Kelly, outlined information sources and tools currently available to the public for water conservation education. Videos to be televised on Channel 13 featuring various water conservation messages were shown. Ms. Mullane discussed the cost and return value of the campaign.

Councilmember Carmany requested detailed information of the campaign's expenses.

Allan Williams, Water Resources Director, concluded the presentation by addressing current strategies for water conservation and thanked individuals and businesses for their conservation efforts. Mr. Williams discussed with Council: a plan to recognize at future Council meetings, specific businesses successful in water conservation; present and future plans for treatment of effluent water; projected availability dates for new water sources; and explained factors that could increase costs if billing residential water customers changes from a quarterly to monthly cycle.

Staff distributed to Council and the press, a packet of *WaterWise* campaign materials. (A copy of this packet is filed in Exhibit Drawer M, Exhibit Number 16, which is hereby referred to and made a part of these minutes.)

The Mayor and City Council and City Manager expressed their thanks to Citizens and staff members those involved in the *WaterWise* campaign and to all members of the community for their water conservation efforts.

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Mayor Allen stated that this was the time and place set for a public hearing to consider an ordinance rezoning from General Office Moderate Intensity to Conditional Use—Light Industrial with specific conditions for property located on the east side of South Benbow Road between McConnell Road and Sloan Street. She stated this matter was being heard on appeal filed by Deborah Loflin after receiving a vote of 2-3 by the Zoning Commission to recommend denial of the rezoning request.

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The Mayor administered the oath to those individuals who wished to speak to this matter.

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C. Thomas Martin, presented the following staff recommendation:

This request is to rezone property from General Office Moderate Intensity to Conditional Use – Light Industrial.

The General Office Moderate Intensity District is primarily intended to accommodate moderate intensity office and institutional uses, moderate density residential uses at a density of 12.0 units per acre or less, and supporting service uses.

The Light Industrial District is primarily intended to accommodate limited manufacturing, wholesaling, warehousing, research and development, and related commercial/service uses.

## CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT

- 1) Uses limited to self-storage warehouses and accessory uses.
- 2) Existing building will be retained and renovated.
- 3) No outside storage.
- 4) No additional buildings constructed on the property.

## DESCRIPTION OF THE PROPERTY, SURROUNDING LAND USE AND ZONING

This property consists of approximately 2.2 acres and is located on the east side of South Benbow Road between McConnell Road and Sloan Street.

	<u>Zoning</u>	<u>Land Use</u>
Subject Property	GO-M	Vacant institutional building
North	RM-18	Single family dwelling
East	RM-18	Apartment buildings
South	RM-18	Apartment buildings
West	RS-7	Single family & multifamily dwellings

**Mr. Martin stated that the Planning Department and the Zoning Commission had recommended denial of the rezoning; then showed slides of the property in the area of the rezoning request.**

Mayor Allen asked if anyone wished to speak to this matter. The following citizens spoke in opposition to the rezoning.

Yolanda Leacraft, residing at 2211 East Florida Street, and a member of Grace Lutheran Church; requested that Council uphold the Zoning Commissions denial of the rezoning request and asked members of her church who were present and opposed the rezoning to stand.

James McDaniels, residing at 2008 Chelsea Lane and Pastor of Grace Lutheran Church, described his community's initial meeting and inability to hold additional meetings with the property owners.

Walter Byrd, residing at 1610 Alice Avenue and a member of Grace Lutheran Church, spoke to the neighborhoods close proximity to the planned Morningside Homes and the related impact the rezoning would have on the planned uplifting of the neighborhood.

Elaine Ostrowski, Executive Director of the Greensboro Housing Authority, spoke to the positive impact anticipated from the revitalization in surrounding neighborhoods due to the construction of Morningside Homes; stated the Housing Authority opposed the rezoning; and asked Council to vote to deny the request.

Bob Childs, residing at 1804 Childs-Higgins Court, spoke to his family's history of upfitting and building new houses in the neighborhood and asked Council to deny the request.

Council briefly discussed concerns relative to the rezoning.

Mr. Martin presented the following staff recommendation:

The Planning Department recommends that this request be denied. Staff feels that light industrial zoning is a highly inappropriate zoning classification for a property that is completely surrounded by residential zoning and land use. For example, the proposed use of the property would result in an increase in the amount of truck traffic in this neighborhood. Furthermore, this property is on the National Register of Historic Places and staff believes that a mini-storage facility is not a use which is compatible with historic preservation objectives. Staff feels that a far better plan for this property would be for it to be redeveloped under the existing zoning classification which would permit offices, institutional uses, or even residential uses at 12.0 units per acre or less. In this vein, residential use would be far more compatible with the character of the neighborhood than the industrial use which is proposed.

Councilmember Burroughs-White moved to close the Public Hearing; the motion was seconded by Council member Johnson and unanimously adopted by voice vote of Council. Council member Burroughs-White thereupon moved to deny the rezoning of this property to Conditional use-Light Industrial based on the following finding of fact: The location and character of the development in accordance with the proposed conditions will not be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because an industrial zoning classification and an industrial land use are highly incompatible with the character of the neighborhood and its long term stability. The motion was seconded by Councilmember Johnson. Following the vote, the Clerk was instructed to clear the voting board. The motion to deny the rezoning was then adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: none.

A copy of the ordinance as introduced and **DEFEATED** is filed in Exhibit Drawer M, Exhibit number 16, which is hereby referred to and made a part of these minutes.

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Mayor Allen stated that this was the time and place set for a public hearing to consider an ordinance rezoning from Light Industrial to RS-5 Residential Single Family for property located on the east side of South Elm Street between East Bragg Street and East McCulloch Street; she advised this matter was being heard on appeal filed by Andrew R. Tillery after receiving a vote of 3-2 by the Zoning Commission to recommend denial of the rezoning request.

Mr. Martin presented slides of the subject property and noted that the house was presently vacant.

The Mayor asked if anyone wished to speak to this matter.

Andrew Tillery, residing at 2508 Lafayette Avenue and owner of the property, spoke in favor of the rezoning his plans for the property if it were rezoned. Stating that the house had previously been zoned as a residence and lost it's grandfathered status due to extended vacancy, Mr. Tillery requested that Council reinstate the original residential zoning.

Council briefly discussed with Mr. Tillery and staff, details of the surrounding property and the impact the zoning would have on the neighborhood.

There being no other speakers, Mr. Martin presented the Planning Department staff recommendation as follows:

The Planning Department recommends that this request be denied. This is a clear case of spot zoning in the midst of an area that is, for the most part, uniformly zoned Light Industrial. Staff sees no future for residential land use in this extended corridor of South Elm Street and believes that if such a rezoning were approved, it would only be temporary given the predominant land use pattern and then this property would be in for rezoning back to Light Industrial.

After brief comments, Councilmember Perkins moved adoption of the ordinance to rezone the property. The motion was seconded by Councilmember Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

EAST SIDE OF SOUTH ELM STREET BETWEEN EAST BRAGG STREET AND EAST McCULLOCH STREET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by rezoning from Light Industrial to RS-5 Residential Single Family uses for the area described as follows:

BEGINNING at a point in the eastern right-of-way line of South Elm Street, said point being 50 feet north of the intersection with the northern right-of-way line of East McCulloch Street; thence along said eastern right-of-way line N04°14'E 50 feet to a point; thence S87°32'E 100 feet to a point; thence S04°14'W 50 feet to a point; thence N87°32'W 100 feet to the point of BEGINNING.

(Signed) Robert V. Perkins

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Mayor Allen stated that this was the time and place set for a public hearing to consider an ordinance amending Chapter 30 of the Greensboro Code of Ordinances with respect to increasing the amount of civil penalties for zoning violations.

Mr. Martin stated that the Planning Board and Multijurisdictional Development Ordinance Committee recommended the adoption of this ordinance. He outlined the current fee schedule and noted that the proposed amendments should result in decreased violations in historic neighborhoods.

Following brief discussion, Councilmember Johnson moved adoption of the ordinance. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

99-50 AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES  
WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT

Section 1. That Section 30-8-5.4, Penalties, is hereby amended by rewriting the section to read as follows:

“Any person who violates any provision of this Ordinance shall be subject to assessment of a civil penalty in the amount of \$50.00 for the first violation, \$100.00 for the second violation, \$200.00 for the third violation, and \$500.00 for the fourth and each succeeding violation.”

Section 2. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

(Signed) Yvonne J. Johnson

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Mayor Allen stated that this was the time and place set for a public hearing to consider an ordinance amending Chapter 30 of the Greensboro Code of Ordinances with respect to increasing the number of children allowed at home occupation child day care operations and to permit persons who are not occupants of the dwelling to be employed in conjunction with child day care home occupations.

Mr. Martin provided slides of the property and surrounding area; stated the Zoning Commission supported the rezoning; and advised that if adopted, the ordinance would bring Greensboro into compliance with state regulations.

Councilmember Holliday expressed concern with the State's regulations relative to square footage allocated per child and an increased limit on the number of children permitted. Council discussed specifics of the ordinance relative to State regulations for day care centers and the growing need for day care in the community.

Councilmember Burroughs-White moved adoption of the ordinance; the motion was seconded by Councilmember Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: Holliday.

99-51 AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES  
WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT

Section 1. That Table 30-4-5-1, Permitted Use Schedule, is hereby amended by rewriting the use "Day Care Centers, Child (5 or less, Home Occupation)" under the Educational and Institutional Uses subsection to read as follows:

"Day Care Homes, Child (15 or less, Home Occupation)"

Section 2. That Table 30-4-5-1, Permitted Use Schedule, is hereby amended by rewriting the use "Day Care Centers, Child (6 or more)" under the Educational and Institutional Uses subsection to read as follows:

"Day Care Centers, Child (16 or more)"

Section 3. That Section 30-5-2.33, Day Care Centers, Child or Adult, is hereby amended by rewriting the section to read as follows:

"30-5-2.33 Day Care Centers, Adult

(A) As a Home Occupation:

- 1) Where Required: All districts.
- 2) Maximum Number of Attendees: An adult day care center with five (5) or fewer attendees may be operated as a home occupation subject to the development standards for a home occupation.

(B) As a Principal Use: An adult day care center with six (6) or more attendees shall be operated as a principal use and subject to the following development standards.

- 1) Where Required: AG, RM-8, RM-12, RM-18, RM-26, TN1, and all nonresidential districts except HI.
- 2) Minimum Area: An indoor activity area shall be provided equivalent to at least twenty-five (25) square feet per attendee.
- 3) Location: Centers on a site greater than three (3) acres shall have frontage on a collector or thoroughfare street."

Section 4. That Section 30-5-2, Development Standards for Individual Uses, is hereby amended by adding a new section to read as follows:

"30-5-2.33.5 Day Care Homes, Child and Day Care Centers, Child

(A) Day Care Homes, Child (Home Occupation):

- 1) Where Required: All districts.

- 2) Maximum Number of Attendees: A child day care home with fifteen (15) or fewer attendees may be operated as a home occupation subject to the development standards for a home occupation.
- 3) Open Space and Recreation. Play space and open space requirements shall be provided in accordance with the regulations of the North Carolina Department of Human Resources, Child Development Division.
- 4) Security Fencing: Outdoor activity area(s) for children shall be enclosed as required by the North Carolina Department of Human Resources, Child Development Division regulations. Fences shall comply with the requirements in Section 30-4-9 (Fences) of this Ordinance.

(B) Day Care Centers, Child: A child day care center with sixteen (16) or more attendees shall be operated as a principal use and subject to the following development standards.

- 1) Where Required: AG, RM-8, RM-12, RM-18, RM-26, TN1, and all nonresidential districts except HI.
- 2) Minimum Area: An indoor activity area shall be provided equivalent to at least twenty-five (25) square feet per attendee.
- 3) Open Space and Recreation. Play space and open space requirements shall be provided in accordance with the regulations of the North Carolina Department of Human Resources, Child Development Division.
- 4) Security Fencing: Outdoor activity area(s) for children shall be enclosed as required by the North Carolina Department of Human Resources, Child Development Division regulations. Fences shall comply with the requirements in Section 30-4-9 (Fences) of this Ordinance.
- 5) Location: Centers on a site greater than three (3) acres shall have frontage on a collector or thoroughfare street.”

Section 5. That Section 30-5-2.47, Home Occupations (including renting of rooms), is hereby amended by deleting the phrase “family day care (5 or less persons)” in subsection (D)2) and substituting the phrase “child day care homes” in its place.

Section 6. That Section 30-5-2.47, Home Occupations (including renting of rooms), is hereby amended by rewriting the first two sentences of subsection (D)4) to read as follows:

“Except in connection with child day care homes, no person may be employed who is not an occupant of the dwelling, except in the TN1 District where the home occupation falls into the category of Artisans and Crafts, in which case one apprentice who is not an occupant of the dwelling unit may be employed and work on-site. In all other zoning districts where home occupations are permitted and except for child day care homes, persons who are not occupants of the dwelling may be employed in connection with the home occupation provided they:”

Section 7. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 8. That this ordinance shall become effective immediately upon adoption.

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Moving to the Consent Agenda, Mayor Allen read the following ordinances as required by the Greensboro Code of Ordinances:

- Ordinance establishing grant project budget for FY 1998-1999 Libraries-Family Literacy Coordination and Training Project
- Ordinance amending Chapter 16 of the Greensboro Code of Ordinances with respect to traffic regulations

The Mayor thereupon requested a motion to approve the ordinances, resolutions and motions on the Consent Agenda. Councilmember Vaughan moved the adoption of the Consent Agenda; the motion was seconded by Councilmember Johnson; the Consent Agenda was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

99-52      **ORDINANCE ESTABLISHING GRANT PROJECT BUDGET FOR FY 1998-99  
LIBRARIES - FAMILY LITERACY COORDINATION AND TRAINING PROJECT**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:**

That the appropriation for the State and Federal Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-5510-01.5413	Consultant Services	\$21,500
220-5510-01.5224	Outside Printing	1,000
220-5510-01.5239	Miscellaneous Supplies	<u>4,750</u>
		\$27,250

and, that this increase be financed by increasing the following State and Federal Grants Fund accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-5510-01.8620	Donations & Private Contributions	\$13,625
220-5510-01.7110	State Grant	<u>13,625</u>
		\$27,250

(Signed) Donald R. Vaughan

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99-53      **AMENDING CHAPTER 16**

**AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO  
TRAFFIC REGULATIONS**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:**

Section 1. That Section 16-96 of the Greensboro Code of Ordinances is hereby amended by deleting from Schedule 2A (Speed Limits on State Highway System Streets) the following area:

US 29 from a point 0.38 mile south of 16<sup>th</sup> Street, northward to the north corporate limit of Greensboro. This ordinance to be in effect during the time of construction of Project 8.1493102, and shall be null and void at completion of Project 8.1493102. 45MPH

Section 2. That Section 16-96 of the Greensboro Code of Ordinances is hereby amended by adding to Schedule 2A (speed Limits on State Highway System Streets) the following areas:



US 29 from a point 0.11 mile north of US 70/US 220 (Wendover Avenue) northward to the north corporate limit of Greensboro. This ordinance to be in effect during the time of construction of project 8.1493102, and shall be null and void at completion of Project 8.1493102. 45MPH

Section 3. This ordinance is based upon an engineering and traffic investigation pursuant to authority granted by G.S. 20-141(f) and (g) and shall become effective upon the adoption of a concurring ordinance by the North Carolina Board of Transportation adopting the speed limits so fixed herein and signs are erected giving notice of the authorized speed limits.

Section 4. All ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

(Signed) Donald R. Vaughan

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58-99 RESOLUTION APPROVING AND AUTHORIZING THE PURCHASE OF PROPERTY OF  
BATTLE FOREST VILLAGE ASSOCIATION FOR THE LAWNDALE/LAKE BRANDT ROAD  
IMPROVEMENTS PROJECT

WHEREAS, in connection with the Lawndale/Lake Brandt Road Improvements Project, property owned by Battle Forest Village Association located on the northwest corner of Lawndale Drive and Regents Park Lane at Tax Map No. ACL 6-352-F-727-68 & 69 is required by the City for said Project, said property being as shown on the attached map;

WHEREAS, the owner has agreed to sell the property to the City for \$24,000.00, which amount is more than the appraised value of \$20,385.00 but is thought to be a reasonable alternative to condemnation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF  
GREENSBORO:

That the purchase of the above mentioned property in the amount of \$24,000.00 is hereby approved and authorized, with payment to be made from Account No. 431-6001-19.6012,CBR 034.

(Signed) Donald R. Vaughan

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59-99 RESOLUTION GRANTING ENCROACHMENT EASEMENT UNDER STREET RIGHT-OF-WAY  
ON NORTH REGIONAL ROAD (S.R.1695) AND AIRPORT CENTER DRIVE TO AMERICAN  
EXPRESS FOR INSTALLMENT OF 140 LINEAR FEET OF COMMUNICATIONS CABLE TO  
SERVE AMERICAN EXPRESS SUBJECT TO AN ANNUAL ENCROACHMENT FEE FOR USE  
OF RIGHT-OF-WAY

WHEREAS, American Express has requested an encroachment easement from the City for the underground installment of 140 linear feet of private fiber optic cable in order to serve the company at its buildings located at 7701 Airport Center Drive and 7614/7616 Business Park Drive;

WHEREAS, plans have been submitted to the City Utilities Coordinator for approval of the construction of the communications line which would require boring under North Regional Road and Airport Center Drive as shown on the attached map;

WHEREAS, following installation of said cable, American Express will provide the necessary repair, if any, of the street in compliance with City standards;

WHEREAS, American Express has agreed to pay a reasonable fee as a direct cost for such encroachment easement in the amount of \$3.00 per linear foot per annum so long as the fiber optic cable remains;

WHEREAS, in the opinion of the City Council, such encroachment easement for the installation of communications cable will neither cause a public nuisance nor unreasonably interfere with the use of the streets and sidewalks by the public.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That pursuant to Section 4.128(c) of the Charter of the City of Greensboro, American Express is hereby authorized to encroach in the above described street rights-of-way for the installation of fiber optic cable in North Regional Road and Airport Center Drive as shown on the attached map, subject to an annual fee to be paid to the City in the amount of \$3.00 per linear foot of cable installed.

(Signed) Donald R. Vaughan

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60-99 RESOLUTION APPROVING AND AUTHORIZING THE PURCHASE OF PROPERTY OF, AND SETTLEMENT OF CONDEMNATION ACTION AGAINST, CROWN STATIONS, INC., FOR THE VEASLEY/HIGH POINT ROAD INTERSECTION IMPROVEMENT PROJECT

WHEREAS, in connection with the Veasley/High Point Road Intersection Improvement Project, an action has been previously filed in the Guilford County Superior Court to acquire property owned by Crown Stations, Inc., which was necessary for said project in the name of Corco Realty Corporation, said property being shown on the attached map;

WHEREAS, the owner has agreed to sell the property to the City for \$270,000.00, which amount is within the appraised values acquired by the City of \$192,500.00 and \$307,700.00 and is thought to be a reasonable settlement amount.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the purchase of the above mentioned property, and settlement of suit, in the amount of \$270,000.00, plus costs is hereby approved and authorized, with payment to be made from Account No. 220-6003-01.6012 CBR 001, and any excess to be made from Account No. 402-4531-01.6019 CBR 009.

(Signed) Donald R. Vaughan

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61-99 RESOLUTION GRANTING ENCROACHMENT EASEMENT UNDER STREET RIGHT-OF-WAY ON BURNT POPLAR ROAD TO COLONIAL PIPELINE FOR INSTALLMENT OF 50 LINEAR FEET OF FIBER OPTIC CABLE TO SERVE COLONIAL PIPELINE SUBJECT TO AN ANNUAL ENCROACHMENT FEE FOR USE OF RIGHT-OF-WAY

WHEREAS, Colonial Pipeline has requested an encroachment easement from the City for the underground installment of 50 linear feet of private fiber optic cable in order to serve the company at its Greensboro Junction to its mini remote terminal;

WHEREAS, plans have been submitted to the City Utilities Coordinator for approval of the construction of the communications line which would require boring under Burnt Poplar Road as shown on the attached map;

WHEREAS, following installation of said cable, Colonial Pipeline will provide the necessary repair, if any, of the street in compliance with City standards;

WHEREAS, Colonial Pipeline has agreed to pay a reasonable fee as a direct cost for such encroachment easement in the amount of \$3.00 per linear foot per annum so long as the fiber optic cable remains;

WHEREAS, in the opinion of the City Council, such encroachment easement for the installation of communications cable will neither cause a public nuisance nor unreasonably interfere with the use of the streets and sidewalks by the public.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That pursuant to Section 4.128(c) of the Charter of the City of Greensboro, Colonial Pipeline is hereby authorized to encroach in the above described street right-of-way for the installation of fiber optic cable in Burnt Poplar Road as shown on the attached map, subject to an annual fee to be paid to the City in the amount of \$3.00 per linear foot of cable installed.

(Signed) Donald R. Vaughan

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62-99 RESOLUTION RESCINDING RESOLUTION ORDERING THE MAKING OF CERTAIN LOCAL IMPROVEMENTS ON COBB STREET FROM MAYFLOWER DRIVE TO AYCOCK STREET

WHEREAS, on February 16, 1999, the City Council authorized the installation of a 4 inch water main on Cobb Street from Mayflower Drive to Aycock Street;

WHEREAS, since the authorization it has been determined that the existing 2-inch water main which had deteriorated has since been replaced with a new 2-inch water main currently meeting the needs of the neighborhood, thereby eliminating the need for the 4-inch water main replacement;

WHEREAS, since the authorization it has been determined that the adjoining property was previously assessed in 1932, when the original 2-inch water main was installed.

WHEREAS, in the opinion of City Council, it is deemed in the best interest of the City of Greensboro to rescind the resolution adopted on February 16, 1999.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the resolution adopted by the City Council on February 16, 1999 authorizing the making of certain local improvements (water) on Cobb Street from Mayflower Drive to Aycock Street is hereby in all respects rescinded.

(Signed) Donald R. Vaughan

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63-99 RESOLUTION ACCEPTING DEED FROM REDEVELOPMENT COMMISSION FOR SIX LOTS LOCATED AT 900, 902, 904, 906, 908, AND 910 TUSCALOOSA STREET AND AUTHORIZING CONVEYANCE TO PROJECT HOMESTEAD, INC., SUBJECT TO CONTRACT WITH RESTRICTIVE COVENANTS

WHEREAS, at a meeting of the Redevelopment Commission held March 16, 1999, conveyance of the lots located at 900, 902, 904, 906, 908, and 910 Tuscaloosa Street was approved;

WHEREAS, since the Redevelopment Commission cannot directly convey property to a nonprofit sponsor, it will be necessary for the lots to be deeded first to the City of Greensboro for subsequent conveyance to Project Homestead, Inc.;

WHEREAS, it is deemed to be in the best interest of the City to accept deeds from the Redevelopment Commission for the lots located at 900, 902, 904, 906, 908, and 910 Tuscaloosa Street and to authorize reconveyance to Project Homestead, Inc. subject to contract with restrictive covenants.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That it does hereby approve the acceptance of deeds from the Redevelopment Commission for the lots mentioned above.
2. That, pursuant to legal authority contained in G.S. 157-3 (12), G.S. 160A-209(c)(15)(a), G.S. 160A-456, and G.S. 160A-457, all of which relate to the public purpose of providing housing for low and moderate income persons, the reconveyance of the above mentioned lots to Project Homestead, Inc. is hereby approved and, in accordance with G.S. 160A-279, the Mayor and City Clerk are hereby authorized to execute the necessary deeds of conveyance to carry the proposal into effect.
3. That, in accordance with G.S. 160A-20.1, the City Manager and City Clerk are hereby authorized to execute a contract with restrictive covenants with Project Homestead, Inc. for the construction and sale of residential housing for low and moderate income persons.
4. That, in accordance with the requirements of G.S. 160A-267, this resolution shall be published once after its adoption as notice of the conveyances, and no conveyance shall be consummated hereunder until ten (10) days after its publication.

(Signed) Donald R. Vaughan

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64-99 RESOLUTION AUTHORIZING AND APPROVING DESIGN AND CONSTRUCTION OF DETENTION PONDS ON THE HORSE PEN CREEK ROAD AND DRAWBRIDGE PARKWAY SITE IN ACCORDANCE WITH THE CONTRACT FOR SALE OF LAND TO THE GUILFORD COUNTY SCHOOL BOARD APPROVED BY COUNCIL ON DECEMBER 1, 1998

WHEREAS, City Council approved the Contract for sale of land to the Guilford County School Board, mutual development of Horse Pen Creek Park and school site, and use of Bur-Mil Park site for recreation center on December 1, 1998;

WHEREAS, the Guilford County Board of Commissioners approved the Contract for sale of land to the Guilford County School Board, mutual development of Horse Pen Creek Park and school site, and use of Bur-Mil Park site for recreation center on March 25, 1999;

WHEREAS, paragraph 6 of the Contract provides that the Greensboro Watershed Bonds Funds shall fund the total cost of design and construction of the watershed ponds on the 104.477 acre site to be equally divided between the City and the County;

WHEREAS, the cost of the design and construction of said watershed ponds is estimated to be \$158,550.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the amount of \$158,550.00 be equally divided between the City and the County for the design and construction of the watershed ponds is hereby authorized and approved in accordance with the Contract between the City of Greensboro and Guilford County, payment of said amount to be made from the Greensboro Watershed Bond Funds.

(Signed) Donald R. Vaughan

.....

65-99 RESOLUTION AUTHORIZING AND APPROVING DEVELOPMENT OF OFF SITE CONTRACT

FOR SALE OF LAND TO THE GUILFORD COUNTY SCHOOL BOARD APPROVED BY  
COUNCIL ON DECEMBER 1, 1998

WHEREAS, City Council approved the Contract for sale of land to the Guilford County School Board, mutual development of Horse Pen Creek Park and school site, and use of Bur-Mil Park site for recreation center on December 1, 1998;

WHEREAS, the Guilford County Board of Commissioners approved the Contract for sale of land to the Guilford County School Board, mutual development of Horse Pen Creek Park and school site, and use of Bur-Mil Park site for recreation center on March 25, 1999;

WHEREAS, paragraph 5 of the Contract provides that the established City/County Water and Sewer Trust Fund will be used to pay the entire cost for design and construction of off site water and sewer lines from the Horse Pen Creek Outfall to the school site and the City's property line;

WHEREAS, the cost of said off site water and sewer extensions is \$218,450.00 and shall be appropriated out of the Greensboro Water and Sewer Trust Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF  
GREENSBORO:

That the amount of \$218,450.00 for the off site water and sewer extensions is hereby authorized and approved in accordance with the Contract between the City of Greensboro and Guilford County, payment of said amount to be made from the Greensboro Water and Sewer Trust Fund.

(Signed) Donald R. Vaughan

.....

Motion to make a part of the minutes a report of budget adjustments covering the period of February 27-April 9, 1999. (A copy of the report is filed in Exhibit Drawer M., Exhibit #1, which is hereby referred to and made a part of these minutes.)

.....

A motion was unanimously adopted to approve the minutes of the regular City Council meeting on April 6, 1999.

.....

Mayor Allen declared a recess at 7:50. The meeting reconvened at 8:00 p.m. with all Councilmembers present, except Councilmember Holliday.

.....

Mayor Allen introduced a resolution approving bid in the amount of \$2,131,719.63 and authorizing execution of Contract No. 1999-04 with Jimmy R. Lynch & sons, Inc. for Battleground Feeder Main Water Improvements-Phase I.

After the City Manager and Mr. Williams spoke to the significant improvements anticipated for water customers from recent upgrades made to the Osborne Waste Water Treatment Plant distribution system; Councilmember Jones moved adoption of the ordinance. The motion was seconded by Councilmember Vaughan; the resolution was adopted by Council on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday (voting in absentia as provided for by law), Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

66-99 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 1999-04 FOR BATTLEGROUND FEEDER MAIN WATER IMPROVEMENTS – PHASE I

WHEREAS, after due notice, bids have been received for Battleground Feeder Main Water Improvements – Phase I;

WHEREAS, Jimmy R. Lynch & Sons, Inc., a responsible bidder, has submitted the low base and alternate bid in the total amount of \$2,131,719.63, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Jimmy R. Lynch & Sons, Inc. is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made from Account No. 508-7005-01-6019, CBR 001.

(Signed) Earl Jones

( A tabulation of bids from Battleground Feeder Main Water Improvements is filed with the above resolution and is hereby referred to and make a part of these minutes.)

.....

Councilmember Holliday entered the Council Chamber at 8:03 p.m.

.....

The Mayor introduced a resolution adopting policy regarding voluntary annexations and extension of water and sewer lines outside the City.

The City Manager recommended a focus on comprehensive planning in key areas and use of citizen input . He noted the policy's potential economic and ecological impact on the future of the Piedmont Triad area and stated the main provisions and objectives of the policy. The Manager emphasized that the policy was intended to be an interim policy until the year 2000. Water resource factors including: the anticipated completion of Osborne Waste Water Treatment Plant; the water shortage last summer and fall; the following moratorium on new water connections; the projected date of completion for the Reidsville water line, and the status of the Randleman Dam were discussed as criteria for establishing dates in the interim policy.

The policy's boundaries and conforming and non-conforming areas were shown on a map. Mr. Martin clarified that on this map, the dots shown outside the policy's boundary limits were eligible for water hook ups because they had initiated the annexation process prior to the moratorium. He stated that these particular areas would gradually come on line for water hookups over a period of 5-10 years.

Chester Brown, Jr. , residing at 440 West Market Street, spoke on behalf of the Triad Real Estate Building and Industry Coalition. Commending the City for its efforts to supplement the water supply, he offered his group's support in future planning. Mr. Brown requested Council delay voting on the policy or change the provision for the sunset date to an earlier time.

Council discussed with staff various factors that would impact Greensboro's water supply. Councilmember Mincello expressed the need to set an example regarding water conservation.

Following discussion of the policy's sunset provision, Councilmember Jones moved to amend the resolution to change the sunset date from January 17<sup>th</sup> to August 17<sup>th</sup>, 1999. The motion was seconded by Councilmember Johnson.

Councilmember Holliday expressed concern with hooking up water to areas outside the City limits that could result in increasing water restrictions for City residents; he stated he was comfortable hooking up new people inside the limits, but not outside. Councilmember Holliday offered a substitute motion to allow hookups for development inside the corporate limits of the City and continue to hold a moratorium for 90 days outside city limits. The motion died for lack of a second.

Councilmember Jones' motion to amend the resolution by changing the sunset date from January 17, 2000 to August 17<sup>th</sup>, 1999 was adopted 7-2 by voice vote of Council.

Councilmember Johnson moved that the resolution be adopted as amended. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: Holliday and Mincello.

#### 71-99 RESOLUTION ADOPTING POLICY REGARDING VOLUNTARY ANNEXATIONS AND EXTENSION OF WATER AND SEWER LINES

WHEREAS, the City is currently facing several critical issues in providing water and sewer service;

WHEREAS, the City has already adopted a water conservation ordinance and has implemented phases of this ordinance;

WHEREAS, due to delays in the construction of Randleman Dam, it is in the best interest of the City to temporarily limit extensions to our water system;

WHEREAS, the City has purchased water from High Point and Winston-Salem and has entered into a contract with the City of Reidsville to provide an additional source of water until the Randleman Dam Project is completed;

WHEREAS, a strategy for water conservation is essential to both immediate and long term planning and development and for the protection of public health, safety and welfare;

WHEREAS, it is deemed in the best interest of the City to adopt a policy establishing revised criteria for extension of water and sewer lines;

WHEREAS, it is deemed in the best interest of the citizens of Greensboro to enact a growth policy governing voluntary annexations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the attached policy is hereby adopted establishing criteria for voluntary annexations and for the extension of water and sewer services outside of Greensboro city limits.
2. That this policy shall become effective immediately upon adoption of this resolution.

(Signed) Yvonne J. Johnson

+ + + + +

#### POLICY FOR EXTENSION OF WATER AND SEWER LINES AND VOLUNTARY ANNEXATIONS

All properties located within the city limits of the City of Greensboro shall be eligible for water and sewer service. For those properties outside the city limits of the City of Greensboro, extension of water and/or sewer service will be allowed only to those persons, firms or corporations whose properties are eligible under North Carolina law to be immediately annexed into the city of Greensboro, lie entirely or partly within one (1) mile of Greensboro's corporate limits as of April 20, 1999, and are covered by a voluntary annexation petition executed pursuant to either N.C.G.S. 160A-31 or N.C.G.S. 160A-58.1, except that service to the following will be allowed:

- A. Guilford County Schools within the service perimeter area which are approved by the City of Greensboro and Guilford County.

- B. Areas within the boundaries of the Piedmont Triad Airport Authority.
- C. Properties for which there is, as of the date of the adoption of this policy, a recorded Utility Agreement and Annexation Petition or an approved master plan, approved site plan, or approved preliminary subdivision plan calling for City water and/or sewer service.
- D. Any single-family residential lot existing as of the date of the adoption of this policy, located in an unincorporated area and directly abutting a water and/or sewer line may make one connection to the system.
- E. Property covered by previously existing reciprocal water and/or sewer service agreements with other municipalities.

Properties outside the city limits (within one mile as defined above) that are not covered by Sections A through E above but become eligible for water service may install water main extensions but shall not connect them to the City of Greensboro water line system until water from Reidsville is flowing into the Greensboro water line system.

The City of Greensboro will not process any petition for voluntary annexation on a property that needs City water and/or sewer in order to be developed but cannot obtain it due to this policy. However, this policy shall not prevent annexation of properties already receiving City water and/or sewer service, regardless of location.

This policy shall be effective immediately and shall expire on August 17, 1999, unless extended by the City Council.

(Signed) Yvonne J. Johnson

(A copy of the map discussed is filed with the above resolution and is hereby referred to and made a part of these minutes.)

.....

The Mayor introduced an ordinance amending the State and Federal Grants Fund to provide additional police patrol coverage in Greensboro Housing Authority Communities.

Councilmember Carmany moved adoption of the ordinance. The motion was seconded by Councilmember Jones; the ordinance was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

99-55 **ORDINANCE AMENDING THE STATE AND FEDERAL GRANTS FUND  
TO PROVIDE ADDITIONAL POLICE PATROL COVERGE IN GREENSBORO HOUSING  
AUTHORITY COMMUNITIES**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the State and Federal Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation for the State and Federal Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3030-06.4210	Overtime	\$9,165
220-3030-06.4510	F.I.C.A.	155
220-3030-06.4520	Retirement	<u>1,295</u>



TOTAL: \$10,615

and that this increase be financed by increasing the following Grant Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3030-06.7170	Local Government Grant	\$10,615

(Signed) Yvonne J. Johnson

.....

The Mayor introduced a resolution authorizing installation of water and sewer lines along Hase Place from Alamance Church Road to serve the National Benevolent Association of the Christian Church on Hase Place under agreement between City of Greensboro and Guilford Council.

Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Jones; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

67-99 RESOLUTION AUTHORIZING INSTALLATION OF AN 8 INCH WATER LINE AND AN 8 INCH SEWER LINE ALONG HASE PLACE TO SERVE THE NATIONAL BENEVOLENT ASSOCIATION OF THE CHRISTIAN CHURCH UNDER AGREEMENT BETWEEN CITY OF GREENSBORO AND GUILFORD COUNTY

WHEREAS, Guilford County has recently authorized the installation of an 8 inch water line and an 8 inch sewer line along Hase Place from Alamance Church Road to the National Benevolent Association of the Christian Church property in accordance with the Consolidated Water and Sewer Agreement between the County and the City; and

WHEREAS, in the opinion of the City Council, the best interest of the City will be served by the construction of an 8 inch water line and an 8 inch sewer line in accordance with said Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the construction of the above mentioned 8 inch water line and 8 inch sewer line in accordance with the agreement between the City of Greensboro and Guilford County is hereby authorized.

(Signed) Yvonne J. Johnson

.....

The Mayor introduced a Resolution authorizing installation of water and sewer line along the proposed streets of Pleasant Ridge Farms West Phase III to serve Pierce Roif Corporation under agreement between the City of Greensboro and Guilford County.

Councilmember Jones moved adoption of the resolution. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

.....

68-99 RESOLUTION AUTHORIZING INSTALLATION OF AN 8 INCH WATER LINE AND AN 8 INCH SEWER LINE ALONG THE PROPOSED STREETS OF PLEASANT RIDGE FARMS WEST,

PHASE III TO SERVE PIERCE ROIF CORPORATION UNDER AGREEMENT BETWEEN CITY OF GREENSBORO AND GUILFORD COUNTY

WHEREAS, Guilford County has recently authorized the installation of an 8 inch water line and an 8 inch sewer line along the proposed streets of Pleasant Ridge Farms West, Phase III in accordance with the Consolidated Water and Sewer Agreement between the County and the City; and

WHEREAS, in the opinion of the City Council, the best interest of the City will be served by the construction of an 8 inch water line and an 8 inch sewer line in accordance with said Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the construction of the above mentioned 8 inch water line and 8 inch sewer line in accordance with the agreement between the City of Greensboro and Guilford County is hereby authorized.

(Signed) Earl Jones

.....

Mayor Allen introduced a resolution authorizing installation of water line along the proposed streets of Gramercy Park to serve New Fortis Corporation under agreement between the City of Greensboro and Guilford County.

Following brief discussion, Councilmember Vaughan moved adoption of the resolution. The motion was seconded by Councilmember Jones; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins and Vaughan. Noes: Mincello.

69-99 RESOLUTION AUTHORIZING INSTALLATION OF AN 8 INCH WATER LINE ALONG THE PROPOSED STREETS OF GRAMERCY PARK TO SERVE NEW FORTIS CORPORATION UNDER AGREEMENT BETWEEN CITY OF GREENSBORO AND GUILFORD COUNTY

WHEREAS, Guilford County has recently authorized the installation of an 8 inch water line along the proposed streets of Gramercy Park in accordance with the Consolidated Water and Sewer Agreement between the County and the City; and

WHEREAS, in the opinion of the City Council, the best interest of the City will be served by the construction of an 8 inch water line in accordance with said Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the construction of the above mentioned 8 inch water line in accordance with the agreement between the City of Greensboro and Guilford County is hereby authorized.

(Signed) Donald R. Vaughan

.....

The Mayor introduced an ordinance adopting in the amount of \$45,000,000 water and sewer revenue bond capital project fund.

Councilmember Jones moved adoption of the ordinance. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

99-56 ORDINANCE ESTABLISHING WATER RESOURCES CAPITAL PROJECT BOND FUND

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Water Resources Capital Project Bond Fund Series 2000 Budget of the City of Greensboro be established as follows:

<u>Description</u>	<u>Amount</u>
Water and Sewer Capital Projects	\$45,000,00

And, that this appropriation be financed by the following accounts:

<u>Description</u>	<u>Amount</u>
Revenue Bonds	\$42,500,000
Interest Earnings	<u>2,500,000</u>
Total	\$45,000,000

(Signed) Earl Jones

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The Mayor introduced a resolution authorizing bid in the amount of \$7,716,000 and authorizing execution of Contract 1999-17 Phase III, Contract No. 3, T. Z. Osborne Wastewater Treatment Plant, 30 MGD Expansion and Upgrade, Phases III and IV to Crowder Construction Company, Inc. for the T. Z. Osborne Wastewater Treatment Plant Project.

.....

Councilmember Jones moved adoption of the resolution. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

70-99 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 1997-17 FOR T.Z. OSBORNE WASTEWATER TREATMENT PLANT EXPANSION

WHEREAS, after due notice, bids have been received for Phase III, contract No 3, T.Z. Osborne Wastewater Treatment Plant, 30 MGD Expansion and Upgrade, Phases III and IV;

WHEREAS, Crowder Construction, Inc., a responsible bidder, has submitted the low base and alternate bid in the total amount of \$7,716,000.00, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Crowder Construction, Inc. is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made from Account No. 509-7056-01-6013.

(Signed) Donald R. Vaughan

(A tabulation of bids for the T.Z. Osborne Wastewater Treatment Plant expansion is filed with the above resolution and is hereby referred to and made a part of these minutes.)

.....

Mayor Allen introduced an ordinance amending the general fund to provide loan funds to Project Homestead for development on former Cumberland Shopping Center Site. Stating that the East Market Street Development Corporation (EMSDC) and volunteers from the American Planning Association had joined to examine East Market Street and the rejuvenation of that area; the Mayor spoke to Project Homestead's plans to partner with EMSDC to redevelop the former Cumberland Shopping Center property.

Mac Simms, of EMSDC at 1106 East Market Street, stated that through community forums and EMSDC planning sessions, the former Cumberland Shopping Center had been identified as a prime target for rehabilitation. He outlined the process and actions EMSDC had taken since 1995 to acquire support for the purchase of the property and noted that demolition and environmental clean up would exceed the initial \$300,000-\$500,000 buy down requirement. Mr. Simms spoke to Project Homestead's related plan and request to the City Council for funding in the amount of \$500,000.

Several Councilmembers expressed concern with funding a \$15,000 administrative fee and granting the EMSDC the option to lease space in Phase I at below market rental rate in addition to the City funding already received by the EMSDC.

Michael Schiftan, residing at 3707 Wedgedale Place, spoke to his ongoing commitment and volunteer services to EMSDC and the many hours required to oversee such a project.

Michael King, residing at 100 Eden Lane, suggested that the proposed administrative fee was less expensive than what the City would incur if required to provide the same services; shared his knowledge of community support for the project including businesses interested in using the rehabilitated space; and outlined a number of returns the community could realize from the project.

Councilmember Perkins expressed concern over the condition of EMSDC having the option to lease the building and the 12 month loan period. In response, Mr. Schiftan agreed to strike the EMSDC option to lease from the proposed agreement and Michael King agreed to extend the due date for the loan to 24 months.

After further discussion, Councilmember Burroughs-White moved the ordinance. Councilmember Johnson seconded the motion; and the ordinance was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

99-57 ORDINANCE AMENDING THE GENERAL FUND TO PROVIDE LOAN FUNDS TO PROJECT HOMESTEAD FOR DEVELOPMENT ON FORMER CUMBERLAND SHOPPING CENTER SITE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the FY 98-99 General Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation for the General Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
101-9540-22.5931	Contrib to Non-Government Agency	\$250,000
101-9545-19.5931	Contrib to Non-Government Agency	<u>\$15,000</u>
TOTAL:		\$265,000

and, that this increase be financed by increasing the following General Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
101-0000-00.8616	Sale of Real Estate	\$265,000

(Signed) Claudette Burroughs-White

.....

The Mayor introduced a resolution authorizing the City Manager to execute and negotiate contracts for the development of the former Cumberland Shopping Center.

Councilmember Burroughs-White expressed her support for the partnership with the City providing the \$500,000 loan and the expectation that time limits to be set for the project. Councilmember Perkins moved to amend the resolution to modify condition #4 to state the loan to become due in 18-24 months and to delete condition #5, granting EMSDC the option to lease office space in Phase I at below the market rate. The motion was seconded by Councilmember Burroughs-White and was adopted on a voice vote of 6-3.

Councilmember Burroughs-White moved to adopt the amended resolution authorizing the City Manager to execute and negotiate contracts for the development of the former shopping center. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

**72-99 RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AND NEGOTIATE CONTRACTS FOR THE DEVELOPMENT OF THE FORMER SHOPPING CENTER**

WHEREAS, it is the recommendation of the East Market Street Development Corporation to have the City of Greensboro assist Project Homestead with the building of a new office and commercial development building on the former Cumberland Shopping Center Site;

WHEREAS, East Market Street Development Corporation has proposed development of 31,000 square feet of Class A office space and approximately 7,000 square feet of retail space on said site;

WHEREAS, the total estimated cost of the Project is \$515,000.00, of which \$500,000.00 will be applied directly to the Project and \$15,000.00 will be applied to East Market Street Development Corporation's administrative costs.

WHEREAS, it has been recommended by the East Market Street Development Corporation that the City of Greensboro provide a non-interest bearing loan for the benefit of Project Homestead which will be forgiven upon satisfactory completion of the following loan conditions:

- (1) brownfield approval of the site by the appropriate governmental agency,
- (2) review and approval of the development and construction plans by EMSDC,
- (3) 40% preleasing of Phase I office building prior to beginning construction,
- (4) completion of Phase I of the project within 24 months of commencement of the loan, and

WHEREAS, the funds for the loan are to be allocated as follows:  
\$250,000.00 to be allocated from the East Market Street Redevelopment Bond Fund and \$265,000.00 to be allocated from the 98-99 General Fund.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:**

1. That the City Manager is hereby authorized to negotiate and execute the contracts and loan agreements with East Market Street Development Corporation and/or Project Homestead necessary to carry out the proposals for the development of the former Cumberland Shopping Center site.
2. That the City is hereby authorized to fund a loan to East Market Street Development Corporation to be allocated to Project Homestead for the redevelopment of the former Cumberland Shopping Center in the amount of \$515,000.00, payment of \$265,000.00 to be made from Account No. 101-0000-00.8616 and payment of \$250,000.00 to be made from the East Market Street Redevelopment Bond Fund.

(Signed) Claudette Burroughs-White

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Councilmember Vaughan expressed concern regarding recent difficulties in getting responses and having a consistent point of contact from Animal Control ; he asked the Manager to investigate. Additionally, he suggested staff investigate and reconsider City funding of Animal Control. The Manager responded that this matter could be addressed during budget deliberations.

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Councilmember Holliday reminded Councilmembers of the Greater Greensboro Chrysler Classic Golf Tournament and Elected Officials Day at the tournament on the coming Sunday.

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Councilmember Carmany moved that Kathy Locklear be appointed to the Human Relations Commission; this term will expire 15 August 2001. The motion was seconded By Councilmember Vaughan and was adopted unanimously by voice vote of the Council.

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Relaying complaints from citizens in area of High Point Road regarding merchants peddling wares from parking lots; Councilmember Carmany requested that the existing ordinance requiring merchants to have a license and permission from owners of property where peddlers goods are sold, be more diligently enforced. The City Manager advised staff would investigate.

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Councilmember Vaughan advised that he was working on a new graffiti ordinance for proposal at the May 2<sup>nd</sup> Council meeting and requested input from Councilmembers and local merchants.

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Councilmember Burroughs-White added the name of Barbara Walker to the data bank for possible service with the Commission on the Status of Women.

.....

Councilmember Burroughs-White moved that Eric Crouch be appointed to the Fireman's Relief fund to replace James Key; this term will expire 1 January 2001. The motion was seconded by Councilmember Johnson and was unanimously adopted by voice vote of Council.

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Councilmember Burroughs-White acknowledged the death of Nelle Coley and expressed congratulations to Henrietta Hester for her 50 years in providing day care service to children in Greensboro.

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Councilmember Perkins stated the need to enhance efforts to increase the quality of development in the City, specifically regarding zoning for land use and density. He cited differences in appearances of comparably new businesses in Greensboro and High Point in the area of Highway 68 and requested a comprehensive plan to insure quality development.

.....

Councilmember Mincello moved to appoint Kathy Schlosser to the Commission on the Status of Women; this term will expire 15 August 2001. The motion was seconded by Councilmember Vaughan and was unanimously adopted by voice vote of Council.

.....

Mayor Allen shared information from a recent *Newsweek* article on Project Homestead's Henry and Shirley Frye Retirement Community. She thanked the Library Board of Trustees for hosting the Council at their breakfast; noted their interesting plans to develop and enhance our branch library system; and expressed appreciation to Greensboro Beautiful for their recent work at Bicentennial Park.

.....

The Mayor reminded Council that the North Carolina League of Municipalities would hold Town Hall Day on June 2<sup>nd</sup> in Raleigh, North Carolina and that Leadership Greensboro had a May 17<sup>th</sup> deadline for new nominees.

.....

The City Manager updated the Council on the status of the budget process regarding the Capital Improvements Program; presented Councilmembers with the 1999-2000 draft budget ;established three tentative dates for budget work sessions prior to the May 18, 1999 Council meeting; and reminded Council that the annual luncheon with the Historical Museum was set for May 18,1999.

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Councilmember Johnson moved that the City Council adjourn. The motion was seconded by Councilmember Jones.

The meeting adjourned at 10:20 p.m.

Susan E. Crotts  
Deputy City Clerk

Carolyn S. Allen  
Mayor